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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,779	07/16/2003	Hugh West	25293	1674

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EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

LD

Office Action Summary

Application No.

10/621,779

Applicant(s)

WEST ET AL.

Examiner

Mark Halpern

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

yw

DETAILED ACTION

- 1) Acknowledgement is made of Amendment received 1/31/2004. Applicants amend claims 1, 8, 15.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 2) Claims 1-18, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 8, 15, now recite in claim 1 "and being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber." or in claims 8, 15, "set particulate material being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber." The manner of attaching the particular material was not described in the specification at the time the application was filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) Claims 1-2, 5-18, are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pittman (6,670,035).

Claims 1-2, 8-10: Pittman discloses wood pulp fluff fibers having a particulate material, such as calcium oxide or magnesium oxide, attached to a retention aid, such as polyamides, in an amount from about 0.1% to about 1% based on the weight of the polyamide. Since the weight of the polyamide is within the range of 5% to 75% of the weight of the fiber, the amount of the material is calculated to be within the claimed amount of the weight of the pulp fiber. Polyamide as a retention aid is disclosed in the present Specification, pg. 3, lines 1-5. Such other materials, as talc or calcium

Art Unit: 1731

carbonate, may be considered as fillers (col. 4, lines 14-63). It is inherent, or in the least it would have been obvious to one skilled in the art at the time the invention was made, that the particulate material of Pittman is capable of reducing hydrogen sulfide, since the particulate material of Pittman is the same material in the same amounts as disclosed in the present invention. Amended claims 1, 8, 15, now recite in claim 1 "and being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber.", and in claims 8, 15, "set particulate material being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber." The above are method and not structural limitations.

Claims 4-6, 11-13, 15: the wood pulp fluff fibers of Pittman disclosed above are made into sheets by wet-laid method, the sheet are of basis weight of up to 500 gsm. The sheets are dried (col. 5, lines 35-65).

Claims 7, 14: the products formed are absorbent (col. 5, lines 1-34).

Claims 16-18: polyamide is a water soluble retention aid as admitted in the present Specification, pg. 3, lines 1-5.

4) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pittman in view of Hochwalt (US 2002/0054919). Pittman is applied as above for claim 1; Pittman fails to disclose that the particulate material is zeolite. Hochwalt discloses zeolite (Abstract) used for the purpose of reducing odors from hydrogen sulfite [0003], - [0007]. It would have been obvious to combine the teachings of Pittman and Hochwalt,

because such a combination would permit the product of Pittman to remove a wide variety of odors as disclosed by Hochwalt [0003].

Response to Amendment

5) Applicant's arguments filed 1/31/2005, have been fully considered but they are not persuasive.

Applicants allege that in reference to independent claims 1, 8, 15, the cited prior art, Pittman, discloses enhancement agents being dispersed within the polymer, and that material within the polymer is not capable of reducing the amount of hydrogen sulfide present in the environment surrounding the pulp fiber. Amended claims now recite in claim 1 "and being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber.", and in claims 8, 15, "set particulate material being attached in a manner that allows it to reduce the hydrogen sulfite present in the environment surrounding said pulp fiber."

The recited limitations in claims 1, 8, 15, are method and not structural limitations. Examiner maintains that the particulate material of Pittman is capable of reducing hydrogen sulfide, since the particulate material of Pittman is the same material in the same amounts as disclosed in the present invention.

Conclusion

6) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/621,779

Art Unit: 1731

Page 7

A handwritten signature in black ink, appearing to read "M. Halpern". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Halpern
Primary Examiner
Art Unit 1731